

STATE OF NEW HAMPSHIRE

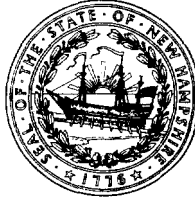
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PUBLIC UTILITIES COMMISSION

8 Old Suncook Road
Concord, N.H. 03301-7319

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:
www.puc.state.nh.us

November 21, 2000

RE: CC Docket No. 94-129

Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's *First Order On Reconsideration* in CC Docket No. 94-129 released May 3, 2000, the New Hampshire Public Utilities Commission is electing to take primary responsibility for resolving New Hampshire consumers' slamming complaints as of November 28, 2000, the effective date of the FCC's modified unauthorized carrier change rules. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

Complaint Process

Method of Filing: Consumers may contact the New Hampshire Public Utilities Commission regarding their slamming complaints by letter, fax, or telephone call to the commission.

Location of Filing:

Mailing address:

New Hampshire Public Utilities Commission
8 Old Suncook Road
Concord, NH 03301

Toll-free consumer complaints phone number:
Fax phone number:

1-800-852-3793 NH only
1-603-271-3878

Filing Fees: None.

No. of Copies rec'd
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Documentation Consumer Must Provide: An analyst will request a copy of the page(s) of the customer's telephone bill that contains the alleged unauthorized carrier's charges. Even if the customer does not provide a copy of the telephone bill, the complaint will be investigated. Billing information will be obtained from the billing carrier.

Procedure (Safeguards, Deadlines, Appeal Rights): Upon receipt of a written complaint from a customer, the complaint is forwarded to the alleged unauthorized carrier for response to the analyst within 14 days. Upon receipt of an oral complaint, an analyst will contact the local exchange carrier to verify that a carrier change occurred before contacting the alleged unauthorized carrier. In both cases, the analyst will notify the alleged unauthorized carrier that a complaint has been filed and request a copy of the carrier's authorization to switch the customer's phone services. In accordance with the FCC's rules the alleged unauthorized carrier must remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred, if it has not already done so.

Upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification or letter of authorization, the analyst listens to the tape or reviews the letter of authorization in order to determine if the verification complies with the FCC's rules and the New Hampshire Commission's rules. If it appears that the authorization is valid, it is forwarded to the customer for response. Any information provided by the customer is also taken into account. If the analyst determines that the carrier verification provided by the carrier complies with the appropriate state and federal rules, the customer is notified that the Commission found no slam occurred. If the analyst determines that the verification was inadequate, then the carrier and the customer are notified that a slam occurred and, in accordance with 47 U.S.C. § 258 (b)¹, both the federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator determines a slam did occur and notifies the carrier and customer of that finding. A carrier or customer who is not satisfied with the informal resolution of a slamming complaint may request a hearing before the Commission.

FCC-State Coordination:

Reporting: The New Hampshire Public Utilities Commission Consumer Affairs Division staff enters each slamming complaint that is investigated into our complaints database. In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.

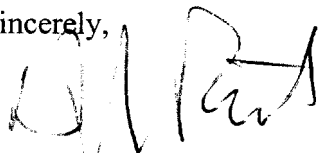
Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Amanda Noonan, Director, Consumer Affairs, New Hampshire Public Utilities Commission, 8 Old Suncook Road, Concord NH 03301, phone (603)271-1164, fax (603)271-3878, and e-mail anoonan@puc.state.nh.us.

¹ Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."

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The New Hampshire Public Utilities Commission looks forward to working with the FCC to eradicate slamming altogether.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Patch", written over a faint horizontal line.

Douglas L. Patch, Chairman
New Hampshire Public Utilities Commission

CC: FCC Consumer Information Bureau Chief